



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

Memorandum

Date April 13, 2004

From Susan Thompson, HFS-810, Division of Dietary Supplement Programs  
Office of Nutritional Products, Labeling and Dietary Supplements, CFSAN

Subject Closing of Petitions for Stay of Action

To Docket Numbers 93N-0478/PSA1, 90N-135D/PSA1, 91N-384D/PSA1, 85N-061D/PSA1, 93N-0481/PSA2, 93N-480A/PSA2, 93N-480C/PSA2, 93N-480F/PSA2, 93N-480O/PSA2 and 93N-480Z/PSA2

On January 31, 1994, Ronald C. Nesmith, of Dilling and Dilling in Chicago, Illinois, submitted on behalf of the National Council for Improved Health, 10 citizen petitions requesting that the Food and Drug Administration (FDA) act to stay implementation of the effective dates of the actions pertaining to the following:

- (1). DIETARY SUPPLEMENT; ESTABLISHMENT OF DATE OF APPLICATION  
(Docket No. 93N-0478/PSA1)
- (2). FOOD LABELING; GENERAL REQUIREMENTS FOR NUTRITION LABELING  
FOR DIETARY SUPPLEMENTS OF VITAMINS, MINERALS, HERBS, OR OTHER  
SIMILAR NUTRITIONAL SUBSTANCES (Docket No. 90N-135D/PSA1)
- (3). FOOD LABELING; REQUIREMENTS FOR NUTRIENT CONTENT CLAIMS FOR  
DIETARY SUPPLEMENTS OF VITAMINS, MINERALS, HERBS, AND OTHER  
SIMILAR NUTRITIONAL SUBSTANCES (Docket No. 91N-384D/PSA1)
- (4). FOOD LABELING; REQUIREMENTS FOR HEALTH CLAIMS FOR DIETARY  
SUPPLEMENTS (Docket No. 85N-061D/PSA1)
- (5). FOOD LABELING: HEALTH CLAIMS AND LABEL STATEMENTS; FOLATE AND  
NEURAL TUBE DEFECTS (Docket No. 93N-0481/PSA2)
- (6). FOOD LABELING; HEALTH CLAIMS FOR ANTIOXIDANT VITAMINS AND  
CANCER (Docket No. 93N-480A/PSA2)
- (7). FOOD LABELING: HEALTH CLAIMS FOR DIETARY FIBER AND CORONARY  
VASCULAR DISEASE (Docket No. 93N-480C/PSA2)

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- (8). FOOD LABELING; HEALTH CLAIMS FOR DIETARY FIBER AND CANCER  
(Docket No. 93N-0480F/PSA2)
- (9). FOOD LABELING; HEALTH CLAIMS FOR OMEGA-3 FATTY ACIDS AND  
CORONARY HEART DISEASE (Docket No. 93N-0480O/PSA2)
- (10). FOOD LABELING; HEALTH CLAIMS FOR ZINC AND IMMUNE DEFICIENCY IN  
THE ELDERLY (Docket No. 93N-0480Z/PSA2)

These petitions were filed by FDA on February 7, 1994.

During the week of March 8, 2004, Dr. Susan Thompson unsuccessfully tried to contact Mr. Ronald Nesmith at the telephone number provided in the petition to ascertain whether the petitions that he submitted could be closed. Dr. Thompson also tried to find a telephone listing for Mr. Nesmith and/or for the National Council for Improved Health by contacting directory assistance in Chicago, Illinois. These attempts to contact Mr. Nesmith and the National Council for Improved Health were also unsuccessful as there was no telephone listing for either party.

In a certified letter dated March 19, 2004, Dr. Thompson asked Mr. Nesmith if he or the National Council for Improved Health were still interested in pursuing the issues set forth in their petitions in light of the fact that the issues raised in their petitions were now moot. The certified letter was returned to us on April 4, 2004, stamped "undeliverable as addressed, no forwarding order on file" (letter and envelope attached). We have searched the Internet and have not found any information that would enable us to contact either Mr. Nesmith or the National Council for Improved Health.

Because Mr. Ronald Nesmith and the National Council for Improved Health cannot be reached, FDA is closing the petitions listed above.

Susan Thompson  
Susan Thompson, Ph.D.

Enclosures



MAR 19 2004

Mr. Ronald C. Nesmith  
Dilling and Dilling  
150 North Wacker Drive  
Chicago, Illinois 60606

Re: Petitions for Stay of Action - Docket Numbers 93N-0478, 90N-135D, 91N-384D, 85N-061D, 93N-0481, 93N-480F, 93N-480C, 93N-4800, 93N-480A and 93N-480Z

Dear Mr. Nesmith:

This letter is in regards to ten citizen petitions submitted to the Food and Drug Administration by you on behalf of the National Council for Improved Health concerning labeling requirements for dietary supplements. These petitions were filed by FDA on February 7, 1994.

The agency would appreciate an opportunity to discuss the matter of these petitions with you. However, we have been unable to contact you at the telephone number that you provided in your petition (i.e., (312) 236-8417). We would greatly appreciate you contacting us at your earliest convenience to discuss these petitions. Please contact me at (301) 436-1784 regarding this matter.

Sincerely yours,

*Susan Thompson*

Susan Thompson, Ph.D.  
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and Dietary Supplements  
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